Remarks

Claims 16-38 are at issue. Claims 16-38 stand rejected under 35 USC 103(a) as being unpatentable over www.heise.de/ix/artikel/E/1997/06/106 (Herein after "Marcherius") and hyper.sunjapan.com/cn/~hz/win32/styles3 (herein after "Windows").

Response to Response to Arguments

The Examiner in the latest Office Action (April 21, 2005) states that the definition of a Document Definition File is unclear. However, FIG. 16 shows the structure of Document Definition File. At page 9 of the specification or Col. 7, lines 24-27 (USPN US 6,356,920 B1 – the parent case of the present application) it states "Formally, a DDF is defined as a list of elements, where each element is defined as consisting of the following components" (type, value, attribute list, style and children). MPEP section 2173.05(a) states "New terms are often used when a new technology is in its infancy or is rapidly evolving. The requirements for clarity and precision must be balanced with limitations of the language and the science". The present application reasonably apprises those skilled in the art how to make the invention and the scope of the invention. *Shatterproof Glass Corp. v. Libbey Ownes Ford Co.,* 785 F.2d 613, 225 USPQ 634 (Fed. Cir. 1985).

Note that a DTD (Document Type Definition) mentioned in Marcherius is defined as "A DTD is a formal set of grammar which defines a certain XML language". There is not mention in the definition of a DDF of grammar and there is no mention of a list of elements each having the components of type, value, attribute list, style and children in at DTD. Clearly, a DTD is not DDF and all the claims are allowable.

Date of Prior Art Reference: The article from the web site does not mention in its body any date. The Examiner is relying on the "1997/06" as his date for the reference. However, this does not show that the article has not been modified since this time or even that this is meant as a date.

The Examiner states that XML is used for data format conversion. This is clearly incorrect and once again the Examiner has failed to provide a reference to support his point. XML is mainly used to exchange data that is self describing. It was designed so

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that the tags could be "eXtensible" so that it may perform a function similar to a database and HTML, but be more flexible.

Windows has nothing to do with the present application or XML. The Examiner's assertion to the contrary shows that either he has not read the specification of the present invention or does not understand XML.

Arbitrary and Capricious

The applicants believe that the rejection under 35 USC 103 represent and arbitrary and capricious rejections by the Patent Office against software related patent applications. It is time that the Patent Office quit wasting inventors' time and money arguing against software enabled inventions. Software enabled inventions are clearly physical inventions just like electronic circuits. Every software enabled invention could be built in discrete hardware components. This campaign of arbitrary and capricious decisions by the Patent Office is costing the United States valuable intellectual property rights that hurts US workers, investors and entrepreneurs.

Claims

Claim 16 requires a "**user-defined document definition file**". None of the prior art references show a user-defined document definition file. According the specification, a document definition file must specify the content, source and method of generation of the data. In addition, claim 16 requires replacing a reference with an actual value. The Examiner has not even attempted to show either of these features. Claim 16 is clearly allowable over the prior art.

Claim 29 requires a **hierarchical data server, a server and a client**. The article by Marcherius does not show a client, server and hierarchical data server. In fact Marcherius is merely explaining the structure of XML and does not discuss servers and clients. Note that a DTD (Document Type Definition) is not a document definition file (as required by the claim). A document definition file is a template for extracting information from a server or group of servers (See discussion starting on Page 9 of specification entitled "Document Definition File). A DTD is a formal set of grammar which defines the XML (See Marcherius, page 3, "DTD:Layout Language). A document definition file is not shown in either of the references cited by the Examiner.

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Windows merely teaches the relationship between the windows on a computer screen. How this could be combined with XML is never revealed by the article or the Examiner. There is no discussion of servers in Windows and certainly not a hierarchical data server. Windows does discuss the hierarchy of windows on a computer screen, but this is not claimed in claim 29. Claim 29 is allowable over the prior art.

Claim 34 requires receiving a request from a client and **executing a document definition file**. Note that a DTD (Document Type Definition) is not a document definition file. A document definition file is a template for extracting information from a server or group of servers (See discussion starting on Page 9 of specification entitled "Document Definition File). A DTD is a formal set of grammar which defines the XML (See Marcherius, page 3, "DTD:Layout Language). A document definition file is not shown in either of the references cited by the Examiner. In addition, Marcherius never discuss an enterprise system. Enterprises systems are existing corporate systems that do not use XML, such as relational databases. Windows merely teaches the relationship between the windows on a computer screen. How this could be combined with XML is never revealed by the article or the Examiner. There is no discussion of servers in Windows and certainly not a hierarchical data server. Windows does discuss the hierarchy of windows on a computer screen, but this is not claimed in claim 34. Claim 34 is allowable over the prior art.
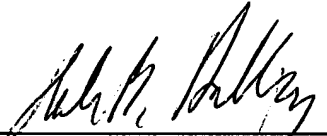
Claim 17 requires a **document definition file**. Note that DTD (Document Type Definition) is not a document definition file. A document definition file is a template for extracting information from a server or group of servers (See discussion starting on Page 9 of specification entitled "Document Definition File). A DTD is a formal set of grammar which defines the XML (See Marcherius, page 3, "DTD:Layout Language). Claim 17 is allowable over the prior art.

The rejections of claims 18-28, 30-33 & 35-38 amount to Official Notice. The applicants traverses these rejections and demand that the Examiner find a reference that shows these elements.

The application has been placed in condition for allowance, prompt reconsideration and allowance are respectfully requested
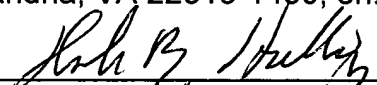
Respectfully submitted,

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I hereby certify that a _____Response_____ is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on:

_____   _____
        Date   Signature (Dale B. Halling)

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